

1 THE HONORABLE RICARDO S. MARTINEZ
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9
10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE

13 TAMARA LOHR and RAVIKIRAN SINDOGI,
14 on behalf of themselves and all others similarly
15 situated,

16 Plaintiffs,

17 v.
18 NISSAN NORTH AMERICA, INC., and
19 NISSAN MOTOR CO., LTD.,

20 Defendants.

21 Case No. 2:16-cv-01023-RSM

22 **STIPULATION AND ORDER TO EXTEND
23 CLASS CERTIFICATION DEADLINES**

24 The parties respectfully request an extension of the deadlines in this case. They have worked
25 diligently and amicably to resolve issues regarding the scope of discovery, production of electronically
26 stored information, the terms of the Stipulated Protective Order, and the coordination of this matter
27 with a related case filed in the Northern District of California, *Sherida Johnson et. al. v. Nissan N.*
28 *Am., Inc., et al.*, Case No. 3:17-cv-00517 (N.D. Cal. Filed Feb. 1, 2017).

29 One particular challenge has been the scheduling of the deposition of a witness from Japan-
30 based Nissan Motor Company, Ltd. (“NML”), which is a named-but-unserved defendant in the *Lohr*
31 case. (The only served defendant in *Lohr* is Nissan North America, Inc. (“NNA”).) The parties have
32 agreed through a stipulation entered in the *Johnson* case (in which NML is also unserved) that certain
33 discovery to NML may be served on counsel for NNA, and further that such discovery may be used

1 by Plaintiffs in both *Lohr* and *Johnson*. The NML deponent, however, is unavailable for deposition
2 until November 8, 2018. The current *Lohr* deadline of December 3, 2018 for Plaintiffs to file their
3 class certification papers and expert reports is now highly compressed.

4 The parties have coordinated with counsel in *Johnson*, and the proposed extension of deadlines
5 set forth below, if entered, would place both *Lohr* and *Johnson* on the same track for class briefing,
6 class-related expert reports, and class-related expert depositions.

7 **I. RELEVANT BACKGROUND**

8 This proposed class action involves allegations that panoramic sunroofs installed in seven
9 models of Nissan vehicles suffer from a uniform defect. Nissan denies these allegations.

10 On July 16, 2017, the Court adopted its first scheduling order based on dates the parties
11 proposed in a Joint Status Report. Dkt. No. 47. That Order set class-related deadlines beginning with
12 a May 25, 2018, deadline for Plaintiffs' motion for class certification and expert disclosures. *Id.* On
13 March 28, 2018, the Court amended the scheduling order following a joint request from the parties
14 premised on the status of document collection, review, and production. The amended schedule set
15 class-related deadlines beginning with a December 3, 2018, deadline for Plaintiffs' motion for class
16 certification and expert disclosures. Dkt. 62.

17 The parties have engaged in written discovery, document production, and third-party
18 discovery. Deposition scheduling also is currently underway. Plaintiffs wish to depose a corporate
19 representative from NNA's parent company, NML, which is located overseas and has never been
20 served in this case or in the *Johnson* case. The parties in *Johnson*, however, entered into a stipulation
21 that permits plaintiffs in that case to serve discovery requests directed to NML on counsel for NNA,
22 in exchange for extended response time obligations. *See Johnson*, Case No. 3:17-cv-00517 (N.D.
23 Cal.), at Dkt. 39, attached hereto as Exhibit A. The parties have further agreed that Plaintiffs in *Lohr*
24 may access and use this NML discovery.

25 To date, NML has responded to written discovery in *Johnson*, and the parties are in the process
26 of scheduling a corporate deposition of NML. The NML deponent, however, is committed to business
27 obligations in Europe and elsewhere and is not available for deposition until November 8, 2018.

1 Moreover, because NML's role as it relates to this litigation primarily relates to pre-production design
2 and testing, the parties are in agreement that it makes sense to depose NML before deposing NNA,
3 meaning that the NNA deposition would not occur until the week of November 12, 2018. Given the
4 current *Lohr* deadline of December 3, 2018, for Plaintiffs to file their class certification motion and
5 expert reports the parties jointly seek to push the current *Lohr* deadlines by a little more than a month,
6 with Plaintiffs' new class certification deadline falling on January 15, 2019.

7 By way of background, the parties in *Johnson* are seeking entry of a similar scheduling order.
8 If this Court and the *Johnson* court approve these requests, then the two cases will be on parallel tracks
9 that hopefully would provide some economies.

10 The parties will continue to work diligently and cooperatively to complete document
11 discovery, schedule and complete depositions, and resolve any disputes that may arise promptly and
12 without court intervention.

13 For these reasons, the parties hereby stipulate and agree as follows.

14 **II. STIPULATION**

15 Whereas, the parties jointly request that the Court amend the scheduling order as follows:

Event	Current Deadline	Proposed Deadline
Deadline for Plaintiffs to file motion for class certification and to serve expert disclosures and reports	December 3, 2018	January 15, 2019
Deadline for Plaintiffs to produce experts for deposition	January 11, 2019	February 26, 2019
Deadline for NNA to file opposition to motion for class certification and to serve expert disclosures and reports	February 13, 2019	April 2, 2019
Deadline for NNA to produce experts for deposition	March 6, 2019	April 23, 2019
Deadline to file reply regarding Motion for Class Certification	March 18, 2019	May 14, 2019

1 STIPULATED TO AND DATED this 25th day of September, 2018.

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1 **III. ORDER**

2 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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4 Dated: September 25, 2018

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8 CHIEF UNITED STATES DISTRICT JUDGE
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